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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,287	09/25/2003	Jeannine Desmond Griffiths	C6661(C)	7278
201	7590	06/30/2004	EXAMINER	
UNILEVER PATENT DEPARTMENT 45 RIVER ROAD EDGEWATER, NJ 07020			RINEHART, KENNETH	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,287	Applicant(s) GRIFFITHS ET AL.	
	Examiner Kenneth B Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 8, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by 2066309. 2066309 shows A device for treating fabrics in a tumble dryer comprising a patch having a front side and a back side (fig. 2), wherein the back side has a means for attaching the patch to an interior surface of a tumble dryer (4, fig. 2), wherein the front side is a carrier material that is impregnated with a fabric treatment composition and wherein the patch is attached to the interior surface of a tumble dryer door or back wall (page 3, line 85, page 3, line 1), whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (page 1, lines 48-52, page 2, lines 8-12), A device according to claim 1 wherein the fabric treatment composition is selected from the group consisting of perfumes, anti-static agents, dye transfer inhibitors, whitening agents, enzymes, stain repellents, insect repellents, sunscreens, malodour reduction or elimination agents, stain removers, and wrinkle reducing agents (page 4, lines 117-130), the device is flexible (page 3, lines 5-10), A device for treating fabrics in a tumble dryer comprising a patch having a front portion (8, fig. 1), a middle portion (14, fig. 1), and a back portion, wherein the back portion has a means for attaching the patch to an interior surface of a tumble dryer door (4, fig. 1), the middle portion contains a carrier that is impregnated with a

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fabric treatment composition (page 2, lines 103-110), and the front portion contains a flow control member or support member (8, fig. 1), and wherein the patch is attached to the interior surface of a tumble dryer door back wall whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (page 2, lines 26-29, page 1, lines 48-52, page 2, lines 8-12, (The device is presently capable of performing this function), a tumble dryer with a device according to claim 1, a tumble dryer with a device according to claim 7 (page 1, lines 5-10).

Claims 1-4, 6, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Furgal (4053992). Furgal shows A device for treating fabrics in a tumble dryer comprising a patch having a front side and a back side (25, fig. 1), wherein the back side has a means for attaching the patch to an interior surface of a tumble dryer (col. 8, lines 35-46), wherein the front side is a carrier material that is impregnated with a fabric treatment composition and wherein the patch is attached to the interior surface of a tumble dryer door or back wall (fig. 4, col. 3, lines 25-30), whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (col. 3, lines 5-12), A device according to claim 1 wherein the fabric treatment composition is selected from the group consisting of perfumes, anti-static agents, dye transfer inhibitors, whitening agents, enzymes, stain repellents, insect repellents, sunscreens, malodour reduction or elimination agents, stain removers, and wrinkle reducing agents (col. 6, lines 13-18), the device has an indicating means which indicates to the user when the device is either low or out of fabric treatment composition (col. 4, lines 30-33), the means for attaching the patch to an interior surface of a tumble dryer door is an adhesive (col. 8, lines 35-46), the device is flexible (col. 5,

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line 15), A method of treating fabrics in a tumble dryer during multiple tumble drying cycles comprising attaching a device according to claim 1 to the inside of a tumble dryer door and carrying out a tumble drying process with fabrics inside the tumble dryer (fig. 3), a tumble dryer with a device according to claim 1 (fig. 3).

Claims 7-10, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Furgal (3634947). Furgal shows A device for treating fabrics in a tumble dryer comprising a patch having a front portion (51, fig. 3), a middle portion (47, fig. 3), and a back portion, wherein the back portion has a means for attaching the patch to an interior surface of a tumble dryer door (49, fig. 3), the middle portion contains a carrier that is impregnated with a fabric treatment composition (47, 45, fig.3), and the front portion contains a flow control member or support member (51, fig. 3), and wherein the patch is attached to the interior surface of a tumble dryer door back wall whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (The device is presently capable of performing this function), the fabric treatment composition is selected from the group consisting of perfumes, anti-static agents, dye transfer inhibitors, whitening agents, enzymes, stain repellents, insect repellents, sunscreens, malodour reduction or elimination agents, stain removers, and wrinkle reducing agents (col. 4, lines 49-52), the device has an indicating means which indicates to the user when the device is either low or out of fabric treatment composition (col. 4, lines 16), the means for attaching the patch to an interior surface of a tumble dryer door is an adhesive (col. 6, line 48), a tumble dryer with a device according to claim 7 (fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2066309.

2066309 discloses A device for treating fabrics in a tumble dryer comprising a patch having a front side and a back side (fig. 2), wherein the back side has a means for attaching the patch to an interior surface of a tumble dryer (4, fig. 2), wherein the front side is a carrier material that is impregnated with a fabric treatment composition and wherein the patch is attached to the interior surface of a tumble dryer door or back wall (page 3, line 85, page 3, line 1), whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (page 1, lines 48-52, page 2, lines 8-12), A device for treating fabrics in a tumble dryer comprising a patch having a front portion (8, fig. 1), a middle portion (14, fig. 1), and a back portion, wherein the back portion has a means for attaching the patch to an interior surface of a tumble dryer door (4, fig. 1), the middle portion contains a carrier that is impregnated with a fabric treatment composition (page 2, lines 103-110), and the front portion contains a flow control member or support member (8, fig. 1), and wherein the patch is attached to the interior surface of a tumble dryer door back wall whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (page 2,

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lines 26-29, page 1, lines 48-52, page 2, lines 8-12). 2066309 discloses applicant's invention substantially as claimed with the exception of the means for attaching the patch to an interior surface of a tumble dryer door is an adhesive. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have an adhesive because applicant has not disclosed that manner of attachment provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the attachment means of 2066309 or the claimed means because both means for attachment perform the same function of attaching the article to the drier equally well.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furgal Furgal discloses (4053992). Furgal discloses A device for treating fabrics in a tumble dryer comprising a patch having a front side and a back side (25, fig. 1), wherein the back side has a means for attaching the patch to an interior surface of a tumble dryer (col. 8, lines 35-46), wherein the front side is a carrier material that is impregnated with a fabric treatment composition and wherein the patch is attached to the interior surface of a tumble dryer door or back wall (fig. 4, col. 3, lines 25-30), whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (col. 3, lines 5-12), the means for attaching the patch to an interior surface of a tumble dryer door is an adhesive (col. 8, lines 35-46). Furgal discloses applicant's invention substantially as claimed with the exception of the adhesive provides adhesion at a temperature of up to 200 F. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the adhesive provides

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adhesion at a temperature of up to 200 F because applicant has not disclosed that the temperature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the adhesive of Furgal or the claimed adhesive because both adhesives perform the same function of adhering the article to the drier equally well.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furgal (3634947). Furgal discloses A device for treating fabrics in a tumble dryer comprising a patch having a front portion (51, fig. 3), a middle portion (47, fig. 3), and a back portion, wherein the back portion has a means for attaching the patch to an interior surface of a tumble dryer door (49, fig. 3), the middle portion contains a carrier that is impregnated with a fabric treatment composition (47, 45, fig.3), and the front portion contains a flow control member or support member (51, fig. 3), and wherein the patch is attached to the interior surface of a tumble dryer door back wall whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (The device is presently capable of performing this function), the means for attaching the patch to an interior surface of a tumble dryer door is an adhesive (col. 6, line 48). Furgal discloses applicant's invention substantially as claimed with the exception of the adhesive provides adhesion at a temperature of up to 200 F. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the adhesive provides adhesion at a temperature of up to 200 F because applicant has not disclosed that the temperature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's

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invention to perform equally well with either the adhesive of Furgal or the claimed adhesive because both adhesives perform the same function of adhering the article to the drier equally well.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to driers in general: Hsu (6352969), Francis (4550676), Hagemann et al (2002/0078589).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR

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KENNETH RINEHART
PRIMARY EXAMINER